

# Traffic Safety Facts

## Laws

January 2006

## Vehicle and License Plate Sanctions

### Background

The National Highway Traffic Safety Administration (NHTSA) encourages States to enact laws that directly affect an offender's vehicle or license plates to hinder future driving while an offender is under a driver license suspension or revocation. Revoking or suspending a driver's license is a common penalty for many traffic infractions, especially those related to impaired driving. Unfortunately, many offenders continue to drive despite license revocation or suspension. It is not unusual for drivers with a revoked or suspended license to receive additional traffic citations or to be involved in motor vehicle crashes when their licenses have been revoked or suspended.

Some States now allow vehicles owned by drivers convicted of certain impaired-driving offenses to be impounded, immobilized (with a club or boot), or forfeited and sold. Other States allow the license plates to be removed and impounded, mandate the use of specially marked license plates, or provide for the installation of alcohol ignition interlock devices.

had their licenses suspended for 90 days, 50 percent had not reinstated their licenses three years after they were eligible to do so.

- Nearly 18 percent of all fatal crashes involve at least one improperly licensed driver. Many of these offenders drive without auto insurance or do not attend treatment programs required for reinstatement.

### Key Facts

- About one-third of all drivers arrested or convicted of DWI each year are previous DWI offenders.
- Drivers with prior DWI convictions have a greater relative risk of fatal crash involvement.
- Many second- and third-time DWI offenders who had their licenses suspended accumulated traffic offenses or were involved in crashes during the suspension period. In one study, 32 percent of suspended second-time DWI offenders and 61 percent of third-time offenders received violations or crash citations on their driving records during their suspensions.
- Many drivers do not reinstate their licenses even when eligible to do so. In one study involving first-time DWI offenders who

### How Effective are Vehicle and Plate Sanctions?

- **Maryland ignition interlock program lowered the re-arrest rate for repeat alcohol offenders:** A Maryland study involving 1,380 repeat alcohol offenders randomly assigned participants to either an ignition interlock group or a control group that did not receive the sanction. Alcohol-related traffic re-arrest rates were tabulated for a full year. Only 2.4 percent of the interlock group was re-arrested, while 6.7 percent of the control group was re-arrested. This statistically significant difference indicates that the interlock program reduced the risk of an alcohol traffic violation within the first year by about 65 percent. There were no differences between groups *after* the ignition interlocks were removed.

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■ **Illinois ignition interlock program evaluated:** The Illinois Secretary of State's Office, with NHTSA grant support, is completing an evaluation of the State's ignition interlock program. The re-arrest records of 1,352 multiple-DUI offenders in the ignition interlock group are being compared to a control group of 938 offenders.

■ **Canadian studies:** A 1999 study describing an ongoing evaluation of a province-wide ignition interlock program in Alberta, Canada, reported that while offenders had ignition interlocks on their vehicles, DUI recidivism was substantially reduced. Once the ignition interlocks were removed and the participants' licenses reinstated, their DUI rates were the same as other offenders, indicating the ignition interlock reduced recidivism only when in place. The Alberta program was limited by the number of eligible offenders participating in the study, and that the overall province-wide reduction in recidivism was small (5%). A close examination of the offenders' data (actual case-by-case breath test data when the ignition interlocks were being used) indicated that repeat offenders who had multiple failures on the ignition interlock BAC tests were good predictors of future DUI offenses with a false positive rate of 28 percent (as much as 64 percent of future DUI offenses with a false positive rate of 28 percent) (Voas et al., 1999; Marques et al., 1999; Marques et al., 2001). Future work in Alberta and Quebec will further clarify how ignition interlocks aid in predicting recidivism. Eventually, these

studies may offer research-based recommendations about how test performance in the early months of ignition interlock use might be used to extend ignition interlock use for poorly performing offenders.

■ **Maryland Two-Year Evaluation:** NHTSA is supporting a follow-up study in Maryland where repeat DUI offenders are being randomly assigned to ignition interlock and control groups, and the ignition interlocks are being kept on the car for two full years. The study will examine whether the longer period of ignition interlock use will result in greater reductions in recidivism and whether there are any carry-over effects after the ignition interlocks have been removed.

■ **International Developments:** The Traffic Injury Research Foundation of Ottawa, Ontario, Canada, published a study, "Best Practices for Alcohol Interlock Programs." Also, the International Council of Alcohol, Drugs and Traffic Safety, an international organization of researchers in the field, has published a brief, policy-oriented study, "Alcohol Ignition Interlock Devices: Position Paper," that is available at [www.icadts.com](http://www.icadts.com). Both these documents summarize key research and issues of interest to U.S. jurisdictions. Research programs are also underway in Sweden, the European Community, and Australia. These programs and associated research will further elucidate ignition interlock effectiveness in a wider range of jurisdictions.

■ **Minnesota License Plate Impoundment Study:** In

Minnesota, violators incurring three DWI violations in 5 years, or four or more in 10 years, may have their license plates impounded and destroyed. An evaluation of the effects of the law found a significant decrease in recidivism for violators who had their plates impounded. Violators whose license plates were impounded by the arresting officer showed a 50-percent decrease in recidivism over a two-year period (when compared with DWI violators who did not experience impoundment).

■ **Ohio Impoundment and Immobilization Program:** In Franklin County (Columbus), Ohio, researchers (Voas et al., 2000) conducted a field test to study the deterrent effects that a combined impoundment and immobilization program has on crashes and violations for multiple-DUI and suspended-license offenders. From September 1993 to September 1995, the vehicles of nearly 1,000 offenders were impounded and then immobilized. The recidivism rates of these offenders were compared to eligible offenders who did not receive a vehicle sanction. Offenders whose vehicles were impounded and immobilized had lower rates of DUI recidivism both during and after the termination of the sanction. Similar findings were obtained in Hamilton County where only vehicle impoundment was used.

■ **California Impoundment Program:** NHTSA, in conjunction with the State Department of Motor Vehicles, conducted a research effort to study the

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impact of California's new motor vehicle impoundment law as applied to unlicensed and suspended-license offenders. The innovative 30-day impoundment law is unlike those found in most States because it involves a civil action independent of a criminal driving-while-suspended (DWS) conviction for those caught driving without a valid license. More than 6,300 unlicensed drivers and those with suspended or revoked licenses whose vehicles were impounded were compared with a similar number of drivers in 1994 whose vehicles would have been eligible had the 1995 impoundment law been in effect. Driving records of both groups were compared during a one-year period on subsequent traffic violations and crashes. First-time offenders whose vehicles were impounded had an average rate of subsequent DWS or driving while unlicensed (DWU) that was 24 percent lower than those whose vehicles were not impounded. Repeat offenders whose vehicles were impounded had 34-percent fewer DWS or DWU convictions. Also, both first-time and repeat offenders whose vehicles were impounded had fewer crashes. For first-time offenders there was a 25-percent crash reduction rate and for repeat offenders there was a 38-percent crash reduction rate.

- **Zebra Tag Program in Oregon and Washington States:** Oregon and Washington enacted the "Zebra Tag" law that allowed law enforcement officers to take the driver's vehicle registration when apprehending a driver without a valid license. In each case, the

driver was given a temporary registration certificate, and a striped ("Zebra") sticker was placed over the annual sticker on the vehicle license plate. This Zebra Tag law was applied to about 7,000 offenders in Washington and 31,000 in Oregon, a large enough number to evaluate both the general and specific deterrent effects of these laws on illegal driving by convicted DUI offenders. In Oregon, suspended license offenders whose vehicle plates were "zebra-tagged" had fewer subsequent DWI and DWS violations than suspended offenders who did not receive the special tags. Also, among suspended license offenders, the possibility of receiving a zebra tag if re-arrested appears to reduce subsequent violations and crashes. A similar law in Washington State did not affect subsequent violations or crashes for these types of offenders. That law, however, was not applied to nearly as many drivers or vehicles and was not as strongly enforced by the law enforcement officers. Legislators in both States allowed the zebra tag laws to expire.

- **Vehicle Seizure and Forfeiture Programs in Nassau and Suffolk Counties in New York:** Programs implemented in February 1999 in both counties are being evaluated. The results of these evaluations will include detailed descriptions of how the programs were implemented and operated, which includes an identification of barriers to a smooth implementation of the laws in those jurisdictions and an assessment of the general deterrent effects of the

programs. A report is expected in 2006.

- **NHTSA Vehicle Sanction Study:** In 2002, NHTSA initiated a research study to update and synthesize information about State laws and current practices regarding vehicle sanctions both in the U.S. and abroad. This study will also provide legislative and procedural recommendations to States that want to enact or modify legislation. Three products are planned during 2006: (1) a Synthesis Report, summarizing key research and activities conducted since the last update, including recommendations; (2) a Vehicle Sanctions Guide containing key descriptive information about promising vehicle and license plate sanction programs; and (3) an Update of the Literature on Vehicle Sanctions, containing detailed information on past and ongoing programs.

## What Types of Vehicle Sanction Laws Do States Have?

**Vehicle Impoundment:** Laws that permit long-term impoundments based on a DWI offense.

**Suspension of Vehicle Registration:** Vehicle registration may be withdrawn for a DWI offense (in some States, enforcement agencies retrieve license plates from the offender's vehicle; in general, however, this type of sanction is poorly enforced).

**Vehicle Confiscation:** Laws that permit confiscation of vehicles of DWI offenders (usually of multiple offenses); confiscation differs from impoundment in that the vehicle

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becomes the property of the State and that State can dispose of the property.

**Vehicle Immobilization:** DWI offenders are prevented from using their vehicles when they becomes immobilized, such as by using a bar-type locking device on the steering wheel or locking the vehicle's wheel with a "boot."

**Special License Plates or Plate Markings:** Special license plates are issued for the vehicle to permit its use by family members of convicted DWI offenders.

**Ignition Interlock Devices:** The purpose of an ignition interlock device is to prevent a person who has consumed alcohol from operating a vehicle; the device measures alcohol concentration in the breath and is attached to a vehicle's ignition system; before the vehicle can be started, the driver must blow a sample of his or her breath into the ignition interlock device; if the driver's breath alcohol is above a specified concentration, the driver will not be able to start the vehicle.

In 2005, Congress enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). Section 2007 of SAFETEA-LU amends the alcohol-impaired driving countermeasures incentive grant program (under Section 410 of chapter 4 of Title 23) to encourage States to adopt and implement effective programs to reduce traffic safety problems resulting from individuals driving while impaired by alcohol. Two of the criteria under this program, those relating to administrative license revocation and high-BAC sanctions, permit the installation of ignition interlock devices after

a required period of license suspension.

## What Provisions Should Vehicle and License Plate Sanction Laws Include?

To increase the use and effectiveness of these laws, States should consider the following:

- Laws should provide for administrative impoundment of vehicle license plates and/or vehicles.
- Laws should allow for seizure at the time of arrest if officers impound either the vehicle or license plate. It is more difficult and costly to track down the offender's vehicle later, and the delay gives the offender the opportunity to transfer vehicle ownership.
- Laws should prohibit the owner of a motor vehicle from allowing another person to drive the vehicle unless the owner determines that person holds a valid driver's license. Also, non-offender owners should be required to sign an affidavit stating they will not allow the offender to drive the vehicle again while the suspension is in effect.
- State recordkeeping systems should be upgraded or established to ensure computerized documentation of vehicle (impoundment and forfeiture) and license plate actions. This would allow States to monitor the use of the sanctions.
- Impoundment laws should be applied to all repeat DWI offenders and to all people who have been convicted of driving with suspended or revoked licenses where the

offenders' original suspension or revocation was for a DWI offense (e.g., DWS-driving while suspended). This would encourage an increase in the use of impoundment since many courts do not apply this sanction to second-time DWI offenders or to first-time DWI offenders.

- Laws that provide for special license plates (e.g., family plates or license plate sticker laws) should incorporate a provision that permits officers to stop the vehicle for the sole purpose of checking whether the driver has a suspended license.

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